IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.6495 of 2006

DATE OF ORDER: 15.2.2007

Vijay Kumar

...Petitioner(s)

Versus

Mahabir Parshad and another

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Atul Lakhanpal, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 9.11.2006 passed by Additional Civil Judge(Sr.Divn.), Sirsa whereby request of the petitioner-plaintiff for recall of PW5 Subhash Dahuja and for confronting him with an affidavit sworn by him was declined.

That Subhash Dahuja had been examined by the trial Court. He did not support plaintiff's case.

Counsel for the plaintiff states that this Subhash Dahuja had sworn an affidavit on 17.11.2005 copy Annexure P-2 supporting the plaintiff's case and therefore, plaintiff has to confront with this affidavit.

I have gone through the order of the court below and find that

one opportunity should be given to the plaintiff to recall Subhash Dahuja for further examination and cross-examination.

In view of the above, petition is allowed. Plaintiff-petitioner shall be liable to pay Rs.500/- as expenses for the witness and Rs.2000/- as costs to be paid to the opposite party.

February 15, 2007 (M.M. AGGARWAL)
manoj JUDGE